



PLANNING STATEMENT

MIXED USE DEVELOPMENT

BRUNSWICK QUAY, LIVERPOOL

ON BEHALF OF MARO DEVELOPMENTS LTD

JULY 2018

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I.0 INTRODUCTION

- I.1 This Planning Statement supports a full planning application submitted by **Maro Developments Ltd** that seeks permission for the erection of four interlinked blocks on the Brunswick Quay site, comprising a total of 552 mixed apartments and 669 sqm (gross) ground floor commercial falling within any combination of Class A1, A2, A3, A4 and/or D2, 307 car parking spaces, 552 cycle parking spaces, private communal piazzas / terraces and associated landscaping / boundary treatment and public realm works, all accessed via Atlantic Way.

Brunswick Quay in context :



- I.2 As the photograph above demonstrates, Brunswick Quay is a vacant brownfield site that has sat empty and largely unused for many years.
- I.3 The site is the subject of a chequered planning history (outlined in Section 2.0), including a proposal in 2006 for a 51 storey tower and two buildings of 10 storeys. That scheme was determined at appeal. While it was recommended for approval by the Inspector, it was ultimately rejected by the Secretary of State.
- I.4 The proposal has been discussed at length at pre-application stage with the LPA. Feedback has been largely positive of the overall concept, and an expression of support has been issued by Historic England (see *Appendix 1*), ultimately leading to agreement on the height and configuration of the buildings. The LPA's full pre-application response is reproduced at *Appendix 2*.
- I.5 The scheme has been subjected to formal Environmental Impact Assessment (EIA) 'Screening', and the associated Opinion is attached as *Appendix 3*. The LPA has concurred with our view and confirmed that the proposal does not raise environmental concerns that warrant the need for EIA.
- I.6 This Planning Statement acts as an 'umbrella' document to support the application. It is intended to bring all key planning-related issues together in one place, and, to assess the proposal against relevant planning policies. However, it is important that this Planning Statement is not read in isolation. It forms only one part of a comprehensive package of documents and drawings which – considered together – support the planning application.
- I.7 The application comprises :
- Application forms and certificates (completed by Roman Summer Associates Ltd);
 - This Planning Statement (Roman Summer Associates Ltd);
 - Drawings as per submitted drawing register (Fletcher Rae);
 - Design and Access Statement (Fletcher Rae);
 - Landscape Design Statement (Open);
 - The following landscape drawings (Open) :

- M80089-101 Revision A – Illustrative Masterplan
- M80089-201 Revision B – General Arrangement 1/1
- M80089-202 Revision B – General Arrangement 2/2
- Transport Assessment [with MASA] (Motts);
- Travel Plan Framework (Motts);
- Flood Risk Assessment and Drainage Strategy (Integra);
- Heritage Assessment (including heritage view analysis) (Graeme Ives Heritage);
- Contaminated Desktop (Integra);
- Archaeological Assessment (refer to Integra's Contamination Report);
- Microclimate Assessment (Wardell Armstrong);
- Wintering Bird Survey Report (Ecology Services).

I.8 We have calculated the application fee to be £96,293. That is based on 552 dwellings and 669 sqm (gross external area) of commercial floorspace.

I.8 The remainder of this Planning Statement is structured as follows:

- Section 2.0 describes the site, surroundings, background and proposed development, and summarises the planning history of the site;
- Section 3.0 summarises national and local planning policies relevant to the application;
- Section 4.0 assesses the proposed development against planning policy and addresses other material considerations;
- Section 5.0 sets out our conclusions.

2.0 DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

The Application Site, Context and Surroundings [and Site History]

- 2.1 The application site is 1.55 hectares and lies on the southern outskirts of Liverpool City Centre.



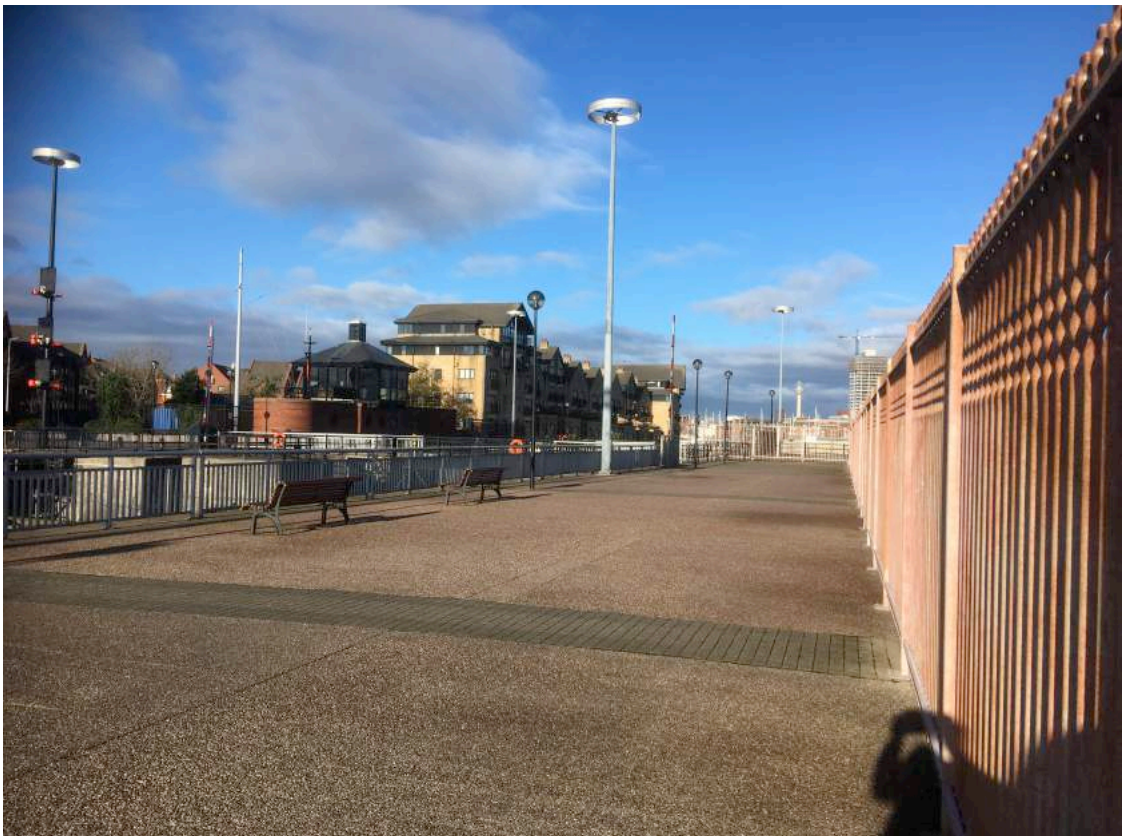
- 2.2 It is a cleared, former industrial site. It is accessed from Atlantic Way, which borders the site to the south. Brunswick Dock forms the eastern perimeter of the site. The River Mersey and the dock gate form the boundary to the west.
- 2.3 The site is previously developed, vacant land and has not been utilised for many years. It contains no trees of any note or quality, no listed buildings (nor are there any close

by) and is not located in or close to a Conservation Area. It falls outside the World Heritage Site and its Buffer Zone. It contains no public rights of access.

- 2.4 In its current state the site is an unattractive wasted brownfield resource.
- 2.5 The area is mixed in use and character. The site itself and adjoining land to the south are designated for employment uses in the adopted development plan. There are employment uses present in the Brunswick warehouses, but the area is also characterised by non-employment uses. For example, the surfeit of car showrooms that flank Sefton Street, a hotel, deli / restaurant (Deli Fonseca), a Go-Kart racing leisure operation, and the childrens' play centre "Yellow Sub" (that occupies part of the Business Park).



- 2.6 To the immediate north of the site is the established residential area of Clippers Quay and South Ferry Quay. Those apartment blocks are visible on the left on the photograph above, with the application site in the foreground.
- 2.7 New residential uses are being promoted in this part of the City. For example, the Council has recently approved residential application 17F/1974 on the site to the immediate south of the application site (off Summers Road).
- 2.8 The area is therefore of mixed composition. The site interfaces with both the established residential area to the immediate north, and the employment area to the south, albeit it must be acknowledged that the recent Summers Road approval alters that context.
- 2.9 A footpath / cycle path runs along the western edge of the application site (see photograph below). This route runs in a north – south direction, flanking the eastern edge River Mersey. To the south, the route runs alongside Brunswick Business Park, towards Otterspool beyond. To the north, the path links to the Clippers Quay / South Ferry Quay residential area, and beyond that towards Liverpool Marina and Kings and Albert Docks.



THE PROPOSAL

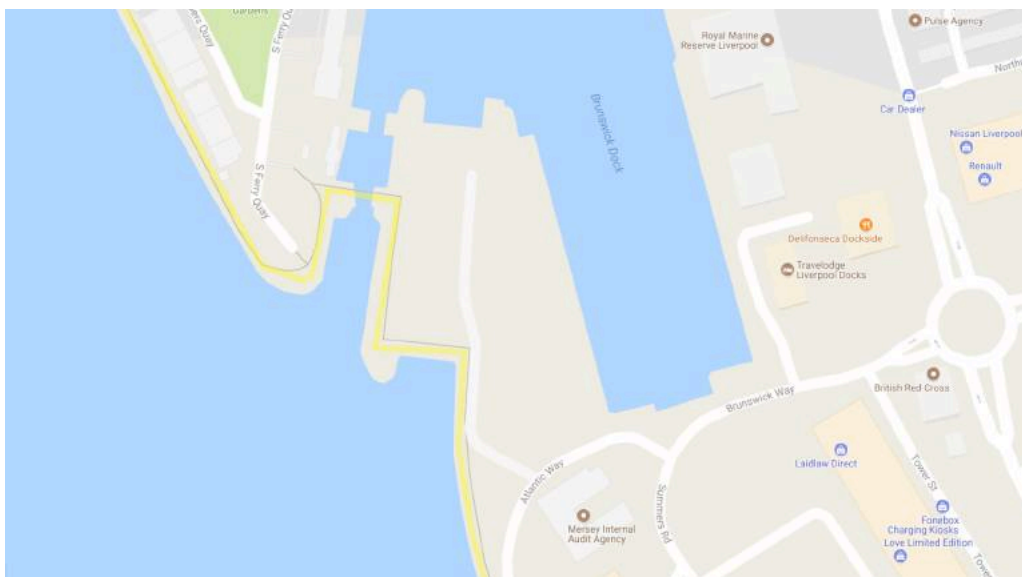
- 2.10 The application is submitted in full detail and promotes the erection of four interlinked blocks on the Brunswick Quay site, comprising a total of 552 mixed apartments and 669 sqm (gross) ground floor commercial falling within any combination of Class A1, A2, A3, A4 and/or D2, 307 car parking spaces, 552 cycle parking spaces, private communal piazzas and associated landscaping / boundary treatment and public realm works, all accessed via Atlantic Way.



- 2.11 The height of each block reflects our pre-application discussions and agreement, namely :

- Building 1 - Parapet height above GL 24650mm (24.65m)
- Building 2 - Parapet height above GL 36050mm (36.05m)
- Building 3 - Parapet height above GL 38900mm (38.90m)
- Building 4 - Parapet height above GL 30350mm (30.35m)
- Parapet = 1400mm

- 2.12 It is worth highlighting that the tallest building is expected to be **lower than** the height of the recently consented scheme on Brunswick Summer Road.
- 2.13 In total (combining all four buildings), 552 apartments are proposed in the following mix:
- 193 x 1 bedroom apartments (35%)
 - 331 x 2 bedroom apartments (60%)
 - 28 x 3 bedroom apartments (5%) (of which 9 are duplex)
- 2.14 The development will be served by 307 car parking spaces, which equates to 56% provision. 16 of these spaces will be for disabled use.
- 2.15 Cycle parking is to be provided at 100%.
- 2.16 Communal gardens / piazzas for the use of residents will be provided between the buildings.
- 2.17 In addition, the application proposes – subject to agreement with the landowner - public realm works along the walkway that runs along the western edge of the site. This is a public right of way forming part of the Sustrans 'Trans Pennine Trail'. The land forming the right of way does not form part of the Liverpool City Council adopted highway and is in private (third party) ownership.



- 2.18 As the photograph below demonstrates, the existing interface between the site and the path is marked by stark iron railings, added to which is a 'pinch point' and blind spot where the path narrows at the northern end of the site. The proposal looks to enhance the quality and attraction of this thoroughfare, which will benefit from natural surveillance from the new apartments and the commercial uses fronting the River and path.



- 2.19 There is very limited vegetation on the site, and none of that is of quality or worthy of retention. The submitted landscaping scheme promotes the planting of trees and complementary planting.

- 2.20 The development will be accessed (by vehicles) via Atlantic Way.
- 2.21 Architectural design and layout are described in more detail in the Design & Access Statement (Fletcher Rae Architects). The architects have had close regard to local context, materiality and distinctiveness, and wish to set a benchmark for design quality and style in this locality. They have also paid due respect to the longer range visual impacts of the proposal, including heritage views of importance.

Planning History

- 2.22 The site has previously been the subject of a major development proposal (see image below). In 2006, an Inspector (following Public Inquiry) recommended approval of application 05F/1009, which proposed the erection of a 51 storey tower and two buildings of 10 storeys (see CGI image below) incorporating 2,947 sq m replacement office accommodation (class C3); 414 apartments; hotel (class C1) 51 beds; retail uses (class A1, A2, A3) 1000 sq m; 851 sq m community use facility (class D1); plus servicing areas, basement car parking (446 undercroft spaces), landscaping with associated works, and accessed from Sefton Street via the Brunswick Way Roundabout. The appeal was subject to call in, and was ultimately dismissed by the Secretary of State. A summary of statements made by both the Inspector and the SoS is provided at *Appendix 4*.



2.23 More recently (in 2007/8), an alternative proposal was discussed with the Council's former Planning Manager (see image on following page). Discussions moved forward very positively, to the point that an application was being prepared. Regrettably, that corresponded with the downturn in the global economy and the project was shelved accordingly.

2.24 An extract from the Minute of a meeting on 4 January 2007 is reproduced below.

5.10	Regarding building height(s), NL confirmed that the Council is highly unlikely to support another seriously tall building – say 40 – 50 storeys. The SoS has ruled this out. However, he does see real scope for 'mid rise' buildings (say 15 storeys).	
5.11	RG made reference to Countryside's "NV" scheme at Salford Quays (three contemporary blocks facing the water), and suggested that this sort of architectural approach / solution (a "mini-cluster") would be sensible. NL agreed.	

Architect's sketch of 2007 scheme as discussed positively at pre-application stage :



3.0 PLANNING POLICY

3.1 This section summarises the planning policy context against which the application falls to be considered. These policy strands will then be considered further in Section 4.0 of this Statement.

3.2 When considering planning applications, regard must be had to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that :

"... if regard is to be had to the Development Plan for the purposes of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise".

3.3 We consider the relevant development plan policies later in this section, but first we consider the strategic framework established at national level. These policies are a material consideration in the assessment of this application, and particularly in mind of the weight we suggest can sensibly be attached to the adopted development plan later in this section.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

3.4 The NPPF was published on 27 March 2012. A revised version is likely to be published during the course of this application. There is little proposed to be changed in the draft version which is likely to materially impact on the assessment of this application, but – in the event that the new version of NPPF introduces changes of substance – we will review it when published and issue supplementary comments if necessary.

3.5 Paragraph 12 makes it clear that the NPPF does not change the statutory status of the development plan as the starting point for decision making. As noted above, proposed development that accords with an **up-to-date** Local Plan should be approved, whilst development that conflicts should be refused, unless other material considerations indicate otherwise. Paragraph 2 confirms that the NPPF is a material consideration in planning decisions.

- 3.7 The NPPF asserts that development that is sustainable should go ahead **“without delay”**, and that a presumption in favour of sustainable development should be the basis for every planning decision.
- 3.8 Paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is elaborated in paragraph 7, which suggests that there are three dimensions to sustainable development: **economic, social and environmental**.
- 3.9 Paragraph 14 reinforces the message about ‘sustainable development’. It states that the presumption in favour of sustainable development lies at the heart of the NPPF, and describes this as *“a golden thread running through both plan-making and decision-taking”*. For *decision-taking* this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent **or relevant policies are out-of-date** (as we contend is the case), **granting permission** unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.10 Paragraph 17 states that, within the overarching roles that the planning system ought to play, 12 core land-use planning principles should underpin both plan-making and decision-taking. These include (with our emphasis) :
- Planning should not simply be about scrutiny, but instead be **a creative exercise** in finding ways to **enhance and improve** the places in which people live their lives
 - Planning should **proactively drive and support sustainable economic development** to deliver the **homes**, business and industrial units, infrastructure and thriving local places that the country needs.
 - Planning should always seek to secure **high quality design** and a good standard of amenity.
- 3.11 Paragraph 18 states that the Government is committed to **securing economic growth** in order to create jobs and prosperity.
- 3.12 Paragraph 22 suggests that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site

being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, ***applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.***

- 3.13 Paragraph 47 of the NPPF states that, to ***significantly boost the supply of housing***, LPA's should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land, with a requirement also, to identify specific developable sites or broad locations for years 6-10, and where possible 11-15. In areas where there is evidence of underperformance, a buffer of 20% should be used, to ensure choice and competition in the market for land.
- 3.14 Paragraph 49 states that ***housing proposals ought to be considered in the context of the presumption in favour of sustainable development.***
- 3.15 Paragraph 50 makes it clear that councils should look to ***deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.***
- 3.17 Paragraph 56 carries forward the sentiment of previous policy statements, that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 3.18 Paragraph 60 confirms that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

- 3.19 On 6 March 2014 the Department for Communities and Local Government launched its new Planning Practice Guidance web-based resource. This was accompanied by a

Written Ministerial Statement, which included a list of the previous planning practice guidance documents cancelled when this site was launched.

3.20 The PPG echoes the NPPF in stating that good quality design is an integral part of sustainable development and is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. In particular, the Guidance states that the following key issues should be considered in development:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive & vibrant neighbourhoods

THE DEVELOPMENT PLAN

3.21 The 'development plan' for the purposes of this application (as defined by the Planning and Compulsory Purchase Act 2004) comprises the Liverpool UDP.

3.22 The UDP was published in November 2002, with many of its policies 'saved' in 2007 in preparation of the publication of what was to be the Local Development Framework (now referred to as the Local Plan).

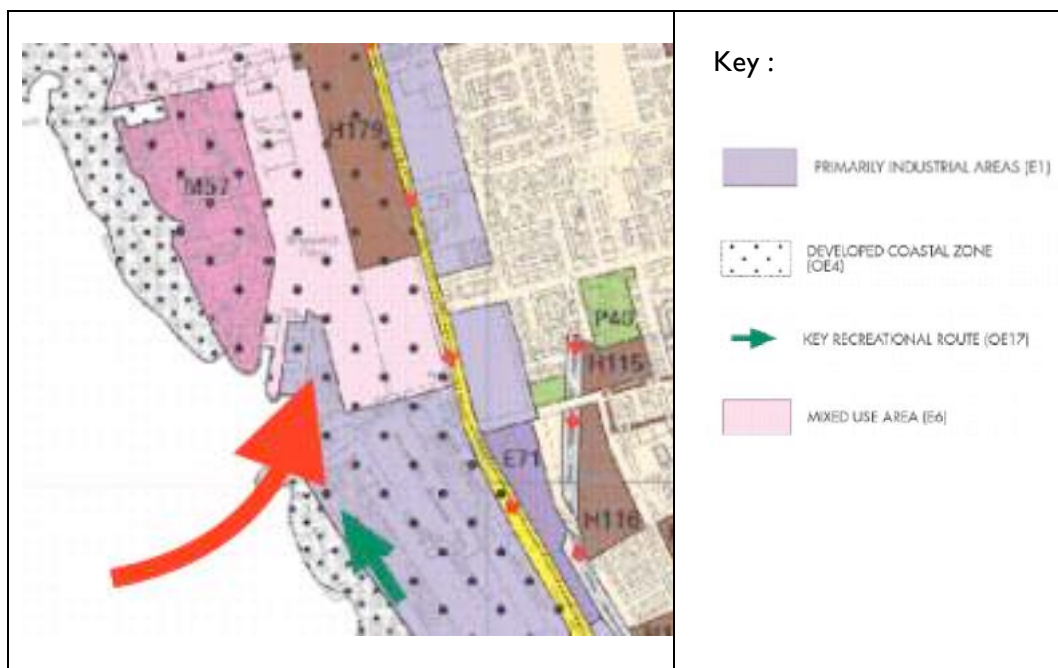
3.23 The UDP is now well over 15 years old and much has changed (both locally and nationally) during that time, including, we suggest, the appropriateness of the employment policy designation that relates to this site.

3.24 There are other elements of the UDP that can be questioned and which have been overtaken by events over the course of the past 15 years. That raises questions about how relevant / up to date certain policies are, and the extent to which the UDP complies with the NPPF and its drive towards sustainable economic growth / development and to 'boost significantly' housing supply.

3.25 Paragraphs 214 and 215 of the NPPF explain that, for 12 months from the day of publication of the NPPF (March 2012), decision-takers could continue to give full

weight to relevant policies adopted since 2004, even if there was a limited degree of conflict with the Framework.

- 3.26 That 12 month period expired close to 5 years ago, and NPPF paragraph 215 explains that “*due weight*” should be given to relevant policies in existing plans “*according to their degree of consistency with this Framework*”. In other words, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. We consider the relevant UDP policies below.



- 3.27 The application site is designated as part of a ‘**Primarily Industrial Area**’ under **Policy EI**. The extract above from the UDP Proposals Map identifies the site by the red arrow. The violet shading (in which the site falls) represents the extent of the ‘*Primarily Industrial Area.*’
- 3.28 Policy EI states that planning permission will only be granted for industrial / business uses and small scale ancillary uses, unless the proposal would act as a catalyst to the comprehensive redevelopment of the site or area primarily for industrial / business use, and would not prejudice the long term development of the area primarily for these uses.
- 3.29 We assert at Section 4.0 that this policy is outdated and far less relevant than it was 15 years ago. Since the UDP was adopted, the LPA has approved innumerable planning applications for non-employment schemes on sites covered by precisely the same

policy designation, including most recently a large residential scheme off Summer Road, to the immediate south of the application site.

Policy H5 (New Residential Development)

3.30 Policy H5 outlines that the City Council will grant permission for new residential developments in cases where the following criteria have been met:

- the density, design and layout respects the character of the surrounding area, and maintains levels of privacy and amenity for existing and future residents; and
- the highway and parking provision ensures a safe, attractive, convenient and nuisance-free highway environment for pedestrians, cyclists and drivers.

3.31 It states that new developments will need to accord with Policy HD18 (General Design Guidance) and OE14 (Provision of New Open Space). Alongside this, the policy suggests that the Council will welcome residential schemes include an element of local community facilities

Policy GEN1 (Economic Regeneration)

3.32 Policy GEN1 states that the UDP aims to reverse the decline in economic activity, investment and employment which Liverpool had experienced in the years leading up to its adoption in 2002, through the provision and servicing of sites for economic development and investment, strengthening the commercial role of the City Centre and promoting the principle of mixed use development in appropriate locations.

Policy GEN3 (Heritage and Design in the Built Environment)

3.33 Policy GEN3 states that the UDP aims to protect and enhance the built environment of the City by encouraging a high standard of design and landscaping in developments and creating an attractive environment which is safe and secure both day and night.

Policy HD18 (General Design Requirements)

3.34 Policy HD18 identifies several design-related criteria, with which all applications will be required to comply :

- a. The scale, density and massing of the proposed development relate well to its locality
- b. The development includes characteristics of local distinctiveness in terms of design, layout and materials.
- c. The building lines and layout of the development relate to those of the locality
- d. External boundary and surface treatment is included as part of the development and is of a design and material which relates to its surroundings
- e. All plant machinery and equipment are provided within the building envelope or at roof level, as an integral part of the design
- f. The development pays special attention to views into and out of any adjoining greenspace
- g. The development has regard to and does not detract from the city's skyline, roofscape and local views within the city
- h. The satisfactory development or redevelopment of adjoining land is not prejudiced
- i. There is no severe loss of amenity or privacy to adjacent residents
- j. Adequate arrangements are made for the storage and collection of refuse within the curtilage of the site, and provision of litter bins where appropriate
- k. The exterior of the development incorporates materials to discourage graffiti
- l. Adequate arrangements are made for pedestrian and vehicular access and for parking.

Policy HD19 (Access for All)

- 3.35 Policy HD19 states that the City Council will ensure that consideration is given to the need to ensure ease of access and movement for disabled people between and within public areas by the careful provision, siting and design of parking areas, paths, dropped kerbs, pedestrian crossings, street furniture and open space. It states that access to and from buildings and their surroundings will be improved.

Policy T12 (Car Parking Provision in New Developments)

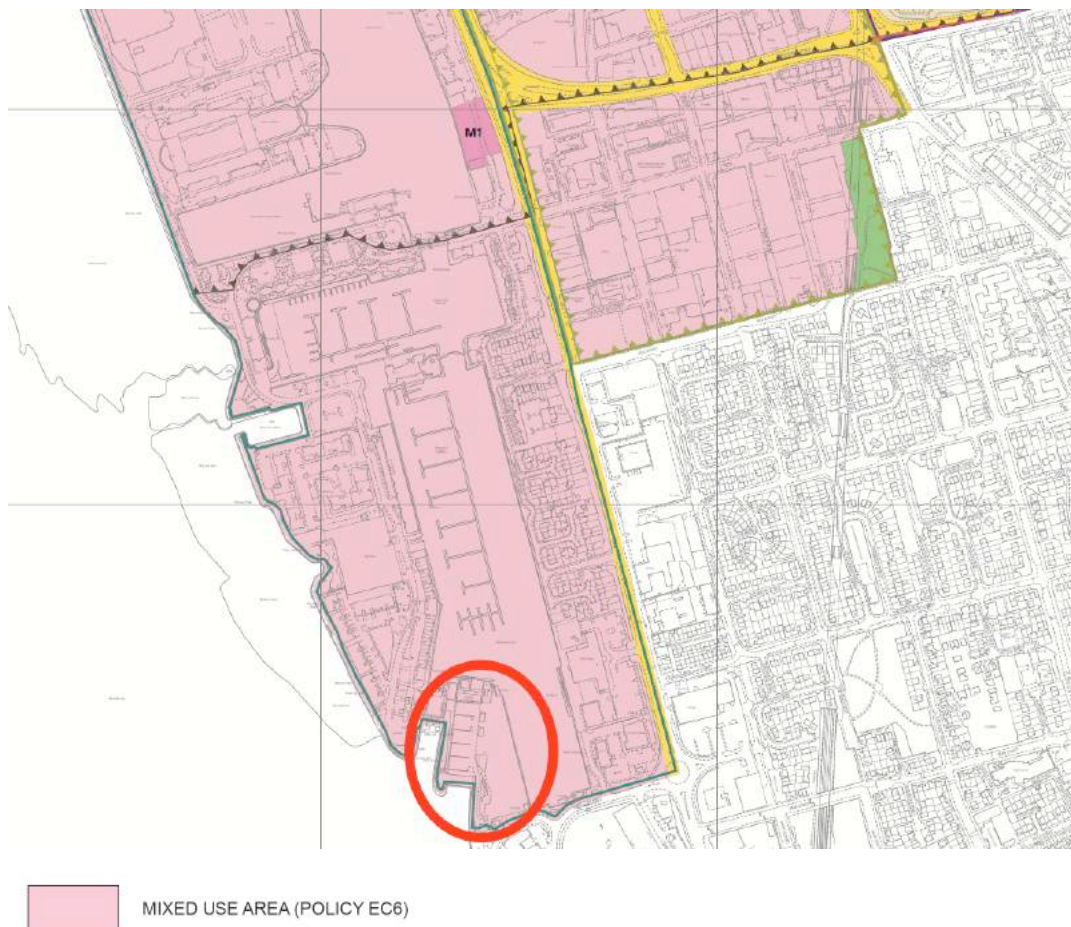
- 3.36 Policy T12 outlines that any new development which generates a demand for car parking will be required to make provision for car parking on site, to meet the minimum operational needs of the development.

Policy OE17 (The Recreational Routes Network)

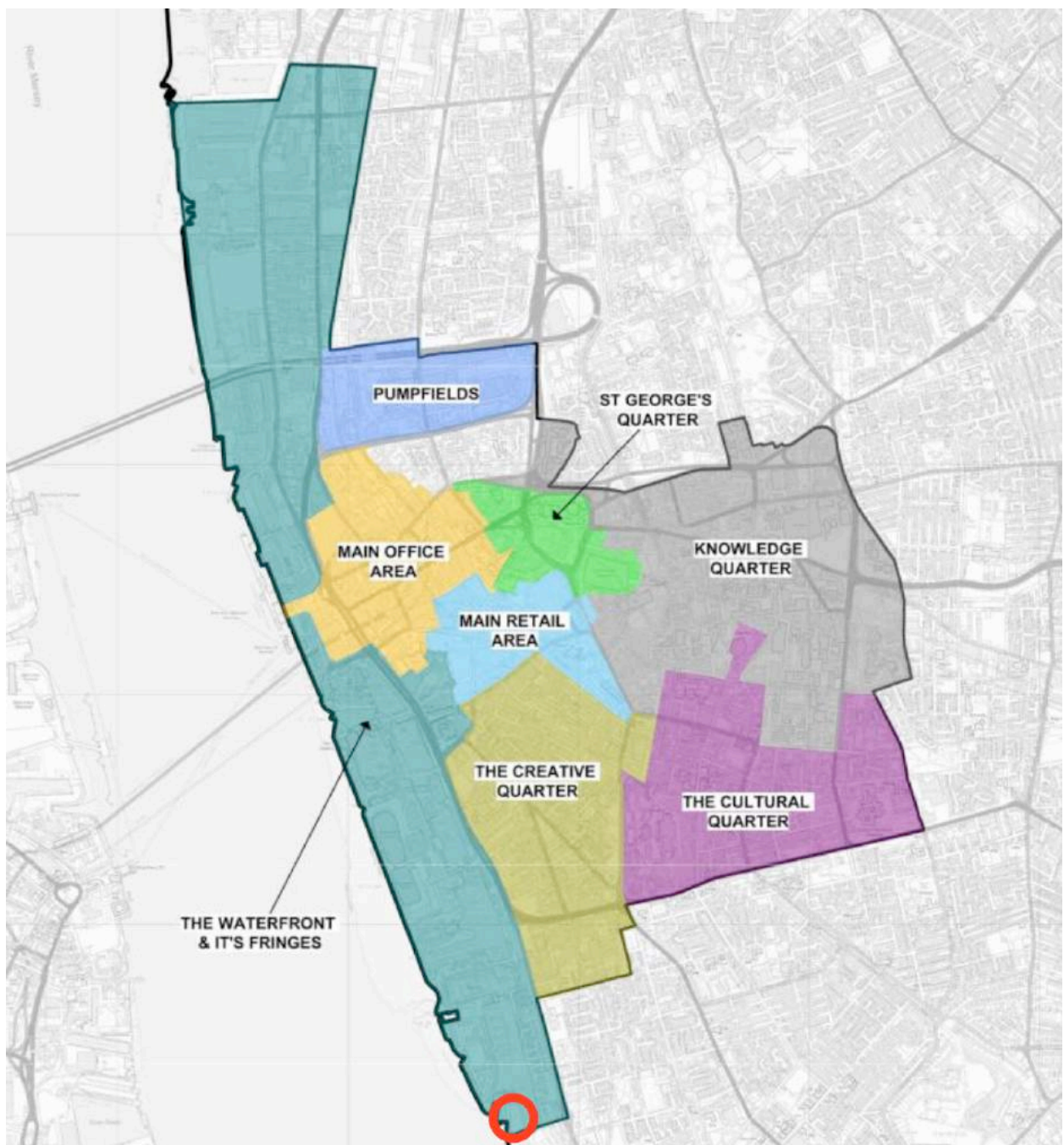
- 3.37 Policy OE17 is relevant because a Recreational Route flanks the western edge of the application site, and the proposal seeks to enhance the quality and attractiveness of that route, including the introduction of natural surveillance over what is currently akin to a 'dead zone' with a visual pinch-point. The policy pledges to develop, safeguard and enhance such routes for both cyclists and pedestrians, and it is our contention that the proposal will contribute to this aspiration.

SUBMISSION DRAFT LOCAL PLAN

- 3.38 The Council consulted on the 2018 Pre-Submission Draft of the Liverpool Local Plan between January 26th and 9th March 2018, and submitted it for examination in May 2018.
- 3.39 The emerging Local Plan proposes to amend the site's designation to a Mixed Use Area (see Policies Map extract below, with site marked in red).



- 3.40 The corresponding draft policy (EC6) states that planning permission will be granted for the uses specified in the Mixed Use Area profiles, subject to the provisions of other relevant Plan policies. The Mixed Use Area Profile for the site is set out in the City Centre chapter.
- 3.41 'Picture 2' in the City Centre Chapter confirms that the site (marked with a red circle below) falls with 'The Waterfront and its Fringes' area.



3.42 The Waterfront and Fringes area is described under paragraphs 6.20 and onwards. These explain that the area the City has one of the longest and most recognisable waterfronts in the UK, and it has the largest and most complete system of historic docks anywhere in the world. It has been transformed over the last decade, focussed on Kings Dock (through the creation of the ACC Liverpool, supporting hotels and leisure uses) and the Pier Head (Museum of Liverpool; Mann Island; the canal link and Pier Head public realm).

3.43 Brunswick Dock is referred to very briefly under paragraph 6.26, which describes it (and Coburg Dock) as *'largely residential in character.'*

3.44 Under *'Strategic Priorities and Priorities'*, the draft Plan sets out a number of city-wide priorities, which include :

- To support investment and regeneration within the City's Waterfront and its fringes;
- To protect areas of existing family housing and ensure sustainable, well connected, inclusive and high quality distinctive residential neighbourhoods;
- To secure improvements to connectivity, walking and cycling routes, the pedestrian environment and public realm; and
- To open public access to the Waterfront by creating a linked cycle and pedestrian route

3.45 **Policy CC10 Waterfront Design Requirements** states that development on the Waterfront should be of a high-quality design that respects its sensitive historic surroundings, whilst making adequate provision for access, parking and servicing. Development proposals should:

- a. Protect the character, setting, distinctiveness and Outstanding Universal Value of the World Heritage Site, and its buffer zone, by ensuring the siting, scale, form, architectural approach, design quality and materials are appropriate and respect the proposal's location;
- b. Ensure the protection of European and Nationally designated habitat sites;
- c. Not undermine the local amenity and operations of businesses;
- d. Not adversely impact on the amenity of residents living in the waterfront area;

- e. Respect the form and mass of the dock estate and its industrial heritage and make provision for the repair, conservation, integration and interpretation of heritage assets;
- f. Ensure high-quality, sustainable design;
- g. Reinforce the historic grain of buildings, water spaces and other spaces;
- h. Contribute towards enhanced pedestrian connectivity across 'The Strand', and making the riverfront more accessible to the public;
- i. Contribute to the delivery of a linear, accessible recreational route along the waterfront and improved East- West links;
- j. Provide enhanced pedestrian / cycle movement routes including provision for secure, covered and well surveyed cycle storage;
- k. Ensure inclusive and usable public realm;
- l. Incorporate appropriate landscaping and green infrastructure;
- m. Include appropriate street furniture, public art and feature lighting which enhances the waterfront;
- n. Ensure greater access to, interaction with and recreational use of dock water spaces and their quaysides; and
- o. Ensure a safe, vibrant, inclusive, accessible and welcoming environment.

3.46 **Policy CC11 Recreational Use of Dock Water Spaces, Quaysides and the Waterfront** states that the City Council will support proposals which facilitate greater access and recreational / leisure use of dock water spaces and their quaysides and which contribute towards the creation of an inclusive and usable movement route along Liverpool's Waterfront, specifically (*inter alia*) :

'proposals which contribute towards the provision of a continuous and unimpeded pedestrian and cyclist route stretching from Princes Half Tide Dock in the North to Brunswick Dock in the south.'

Other Policy / Contextual Considerations

'ENSURING A CHOICE OF TRAVEL' (SUPPLEMENTARY PLANNING DOCUMENT)

3.47 Published in March 2010, the Ensuring a Choice of Travel SPD was introduced by the LPA and Merseytravel to provide consistent guidance to developers on access and transport requirements for new development across the wider Merseyside area.

- 3.48 The objectives of the SPD are to ensure that there is reasonable access to new developments, via a reasonable choice of transport methods; to reduce the environmental impact by our travel choices; to improve road safety; promote healthier lifestyles and reduce the level of traffic growth and congestion, encouraging opportunities to improve the quality of new development proposals by better use of space through less car parking spaces where appropriate.
- 3.49 Issues regarding transport are covered in more detail in the Transport Statement accompanying this planning application.

SPG 10 - New Residential Development

- 3.50 This SPG was adopted at the same time as the UDP. It is therefore dated and was produced overwhelmingly to regulate traditional forms of housing, rather than City Centre apartment schemes (of which there were very few in Liverpool at that time).
- 3.51 The SPG states that all new residential developments are expected to have reasonable levels of privacy and amenity, and that each development will be assessed on its merits.
- 3.52 The SPG recognises that the use of standards as 'blueprints' for design is unlikely to produce interesting or innovative layouts. It therefore encourages designers to respond with a variety of design solutions, and indicates that the Council will be prepared to be flexible where carefully designed and imaginative layouts are proposed.
- 3.53 The SPG continues by confirming that the Council does not operate a strict density policy, and that the appropriate density of a particular scheme will rather be dictated by, *inter alia*, the density and character of the surrounding area, particularly regarding the space about buildings.

Design for Access for All (Supplementary Planning Document)

- 3.54 This SPD was adopted in 2011. It seeks to ensure that inclusive design principles are integrated into development proposals, promoting a high quality and inclusive environment for all, irrespective of age, gender, mobility or impairment.
- 3.55 The SPD cross refers to the LDF, which - as explained above - does not in fact exist.

- 3.56 It suggests that all new housing should enable the needs of a household to be met over its lifetime. Additionally, it indicates that 10% of all new dwellings must be wheelchair accessible.

New Housing Development (Supplementary Planning Document)

- 3.57 The New Housing SPD was adopted in July 2005 to guide new residential development in Liverpool. It was framed largely around the HMRI Programme that was in place at that time.
- 3.58 Paragraph 1.10 states that the City Centre and surrounding inner areas of Liverpool **urgently require urban renaissance** and pledges to adopt a concerted and comprehensive approach to influencing housing supply **across all tenures and values** in the interests of improving the quality of housing stock.

4.0 PLANNING ASSESSMENT

4.1 The key planning policy themes have been highlighted in Section 3.0. The purpose of this section is to address these in more detail and to present, in succinct terms, the benefits likely to accrue from the development. Each of the key issues will be addressed in turn, namely:-

- Compliance with the Development Plan (UDP);
- Compliance with the Emerging Local Plan;
- Sustainable Development
- Compliance with the NPPF;
- Section 106 Considerations;
- Transportation Issues;
- Heritage Considerations;
- Ecology;
- Flood Risk and Drainage;
- Microclimate Considerations;
- Ground Conditions.

COMPLIANCE WITH THE DEVELOPMENT PLAN (ADOPTED UDP)

4.2 In determining this application, the regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, while the proposal is contrary to parts of the development plan, there are important material considerations that warrant approval. These are set out below and elsewhere.

4.3 The development plan for the purposes of this application is the Liverpool UDP. That was adopted well over 15 years ago, and was based on an evidence base older than that. It *at least in part* out of date, and many of its policy designations (perhaps most particularly EI industrial) have been overtaken by events and developments approved in the meantime. Indeed, the UDP was only intended to cover the period to 2001, and was already time expired at the time of adoption.

- 4.4 The starting point in considering the UDP is Policy EI, which designates the site as part of a larger 'Primarily Industrial Area'. An extract from the UDP Proposals Map is reproduced below. The site is marked by a blue arrow. The red dashed line is included because the new Local Plan re-designates the land to the north of that line (including the application site) for mixed use development. That is the clearest possible indication that the Council agrees that the industrial designation is not appropriate.



- 4.5 Setting aside any impending change in the site's designation, UDP Policy EI states that planning permission will only be granted for industrial / business uses and small scale ancillary uses, unless the proposal would clearly act as a catalyst to the comprehensive redevelopment of the site or area primarily for industrial / business use, and would not prejudice the long term development of the area primarily for these uses.
- 4.6 Considering the predominant housing component as proposed, there is little question that that runs contrary to this policy, but the circumstances are very different today than they were when the policy was first drafted. For example, the presumption in favour of the golden thread of sustainable development (to be approved "without delay") and the need to "boost significantly" housing supply.

4.7 Even if weight is attached to Policy EI, we contend that material considerations far outweigh the provisions of the industrial designation under policy EI. The UDP designation is outdated and – we suggest - inappropriate, formulated circa 15 years ago when UDP production was in its infancy.

4.8 The Council has approved a surfeit of other mixed and residential-focused applications on sites across the city with the identical policy designation. It is also important to consider the background to this particular site. That can be traced back to the appeal decisions in 2006, and how the Secretary of State dealt with industrial designation. In considering the two appeals, the Inspector addressed Policy EI as follows [paragraph number in brackets] :

‘The proposal is contrary to the letter of policy EI(i). However bearing in mind the supply situation the development of the appeal site for primarily residential use would not undermine the underlying purpose of the policy which is to protect adequate reserves of employment land and ensure there is a sufficient stock of employment sites. Also paragraph 6.26 of the supporting text indicates that there may be occasions where individual proposals for alternative uses including residential development on industrial land will be appropriate. That the policy is not to be regarded as a total embargo on non employment development within PIAs is demonstrated by the Council’s own actions in granting permission for significant residential development within them. [358]

As in my opinion the proposals would accord with other UDP policies there would be no conflict with EI.’ [361]

4.9 The SoS, while dismissing the appeals, expressed agreement with the Inspector’s assessment of Policy EI, in stating :

‘She also agrees that considering the overall supply of employment land and sites in the City, the loss of a site that would represent less than 1% of the overall supply would not have a material impact. She further agrees that the proposals would be contrary to the letter of criterion [i] of policy EI and considers that, because of that, neither proposal complies with policy EI. However, she notes that the Council themselves have not regarded the policy as representing a total embargo on non employment uses in Primarily Industrial Areas and therefore gives limited weight to the breach of policy EI.’

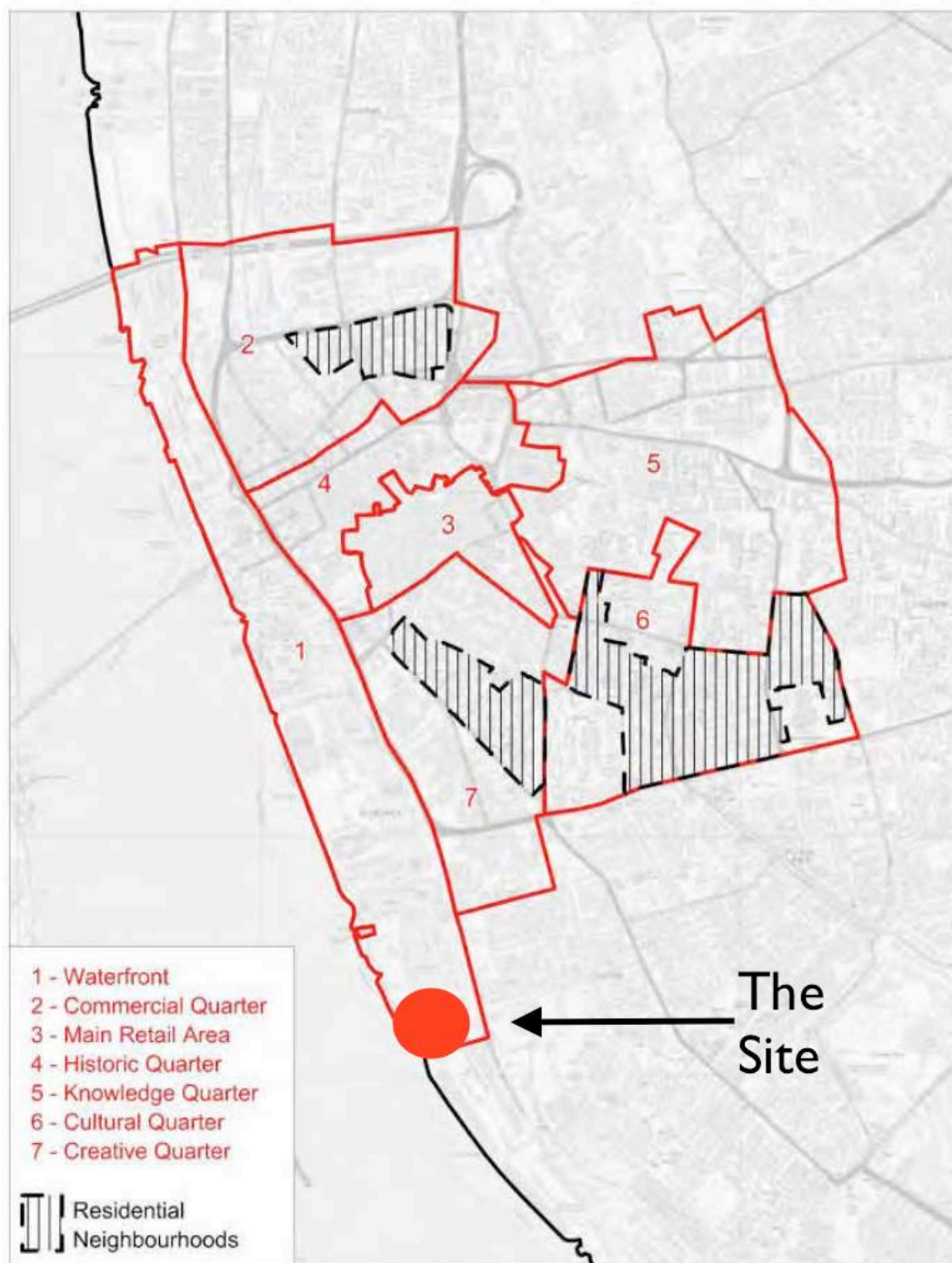
4.10 We would suggest that the same sentiment ought to apply to the proposal now being promoted.

4.11 The NPPF addresses the issue of outmoded policies in its statement at paragraph 22, stating that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose:

‘Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

4.12 We suggest that, in this case, there is no reasonable prospect of the site being used for wholly employment purposes. It is not appropriate for Class B8 use, because it is far too small to accommodate modern storage and distribution operations, which will require safe and ample access and manoeuvring space for large vehicles. Nor, we suggest, is the site suitable for Class B2 operations, because it is in close proximity to residential accommodation. That said, the only other policy-compliant use is Class B1, a small element of which is included as one potential commercial use of the proposal.

4.13 While our client recognises the importance of providing sufficient employment land in the City, such land must be the correct quality and in the right location. We see no reason, aside from the existence of the EI designation, to resist mixed forms of development on this particular site. It represents an obvious opportunity to expand the residential-led regeneration that has taken place further north. While we accept that the subject site does not form part of the main city centre, is located within the ‘Waterfront Zone’, which is one of 7 ‘Character Areas / Residential Neighbourhoods’ as defined in Chapter 7 of the Draft Local Plan (see plan extract below).



4.16 The associated text in the draft Local Plan explains that *Coburg and Brunswick Docks* are largely residential in character, and the key planning issues for the area include:

- Improving connectivity with other parts of the City Centre
- Enhancing the use of the waterspaces for recreational uses
- Ensuring opportunities for further investment are maximised

- 4.17 There is no suggestion in the Draft Plan that employment uses are actively sought in the Waterfront Zone, or on the application site specifically. Indeed (as noted below), the emerging Local Plan proposes to change the designation of the Brunswick Quay site from industrial to mixed use. We suggest that that is recognition of the site's planning history (including the comments of the appeal Inspector and SoS concerning Policy E1); its peripheral position on the north side of, but outside the main Brunswick Business Park; its close proximity to / affinity with the established residential area to the immediate north; and the benefits the site can deliver to the public realm / recreational route that flanks its western edge.
- 4.18 Notwithstanding that, we are of course mindful of the advice received by the LPA at pre-application stage. Specifically on Policy E1, the LPA stated :

The UDP identifies the site as a Primarily Industrial Area to which Policy E1 is applicable. Given the proposed use any application would need to be supported by sufficient justification given the evidence contained within the Council's current employment land study figures (2017) and the subsequent general conclusions of need to retain employment land. However, as part of this justification paragraph 21 of the NPPF would support the integration of residential and commercial uses within the same unit whilst paragraph 22 further assists these proposals in respect of current land allocations and the avoidance of the long-term protection of sites allocated for employment use, where there might be no prospect of a site being used for that purpose. Taking into account both national and local policy guidance, provided sufficient levels of employment uses are provided within the scheme the principle of residential accommodation, with some employment generating commercial uses is likely to be easier to justify.

- 4.19 In response, in addition to the previous comments of the appeal Inspector and SoS (which must still carry weight in spite of the passage of time), it must be said that much of the general area (including parts of the same Industrial designation) accommodates uses that fall beyond the B1, B2 and B8 confines of the policy. This includes an array of car showrooms (*sui generis* use and not B1/B2/B8), and commercial leisure uses, such as Yellow Sub and Go Kart. In close proximity there is a hotel, deli / restaurant deed, and a recently approved gymnasium (again a departure from Policy E1).
- 4.20 For the above reasons, we contend that this is site is not a location where housing should be resisted. Indeed, the LPA has not sought to resist housing. The site demands improvement along what is close to a designated Environmental Improvement Corridor and a designated Recreational Route.

- 4.21 For reasons articulated above, we suggest that *part* of the proposal complies with UDP Policy EI (ie any BI element that might come forward), and that, having regard to the non-compliant parts, there are material considerations that weigh in the balance.

COMPLIANCE WITH THE EMERGING LOCAL PLAN

- 4.22 As explained in Section 3.0, the Council consulted on the 2018 Pre-Submission Draft of the Liverpool Local Plan between January 26th and 9th March 2018, and submitted it for examination in May 2018.
- 4.23 The emerging Local Plan proposes to amend the site's designation to a Mixed Use Area. A mixed use scheme is proposed, which is in line with the emerging policy.
- 4.24 The corresponding draft policy (EC6) states that planning permission will be granted for the uses specified in the Mixed Use Area profiles, subject to the provisions of other relevant Plan policies.
- 4.25 *Brunswick Dock* is referred described under paragraph 6.26 as '*largely residential in character.*' This proposal responds to that largely residential character.
- 4.26 Under '*Strategic Priorities and Priorities*', the draft Plan sets out a number of city-wide priorities, which include :
- To support investment and regeneration within the City's Waterfront and its fringes;
 - To protect areas of existing family housing and ensure sustainable, well connected, inclusive and high quality distinctive residential neighbourhoods;
 - To secure improvements to connectivity, walking and cycling routes, the pedestrian environment and public realm; and
 - To open public access to the Waterfront by creating a linked cycle and pedestrian route.
- 4.27 The proposal is consistent with this draft policy. It represents sustainable regeneration within the Waterfront area, and will contribute towards the creation of a sustainable, well connected, inclusive and high quality distinctive residential neighbourhood. It will enhance public realm and the attractiveness of an important recreational route.

4.28 The proposal is also consistent with draft **Policy CC10 Waterfront Design Requirements** in that it promotes high-quality design that respects its surroundings, and makes adequate provision for access, parking and servicing.

4.46 The proposal is also consistent with draft **Policy CC11 Recreational Use of Dock Water Spaces, Quaysides and the Waterfront**, which states that the City Council will support proposals which facilitate greater access and recreational / leisure use of dock water spaces and their quaysides. Specifically, the public realm works proposed will contribute towards the creation of an inclusive and usable movement route along Liverpool's Waterfront, including (as required by the draft policy) :

'proposals which contribute towards the provision of a continuous and unimpeded pedestrian and cyclist route stretching from Princes Half Tide Dock in the North to Brunswick Dock in the south.'

4.47 We therefore contend that the proposal is consistent with the emerging Local Plan.

SUSTAINABLE DEVELOPMENT

4.48 A viable, deliverable, high quality development scheme is being promoted. Not only will the proposal bring back into use a prominent, brownfield 'eyesore' site, but it will create a vibrant and viable residential community. The proposal respects and reflects the abutting residential area to the north.

4.49 We contend that this scheme represents high quality urban regeneration and renaissance, providing good mix of quality homes.

4.50 The likely physical impacts of the proposal are self-evident. The site is currently in an unsightly state immediately alongside a Recreational Route that the development plan pledges to enhance. Its current state and lack of use is not tenable, desirable or sustainable in the long term. The proposal will transform the site into a high quality mixed use scheme along an important main road frontage.

4.51 NPPF §14 states that :

*'At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means :*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

4.52 Paragraph 14 of the Framework has increasingly become known as “*the Tilted Balance*”. This applies the presumption in favour of sustainable development to proposals where relevant parts of the development plan are absent or out-of-date. The effect of the tilted balance is to give greater weight to the benefits of the development. It only points to refusal of permission where these are “*significantly and demonstrably*” outweighed by adverse impacts.

4.53 We have explained elsewhere why we consider the development plan designation to be ‘out of date’, so in order to trigger NPPF paragraph 14, it is important to demonstrate that the proposal is sustainable.

4.54 It is a central tenet of planning policy (at all levels) to promote sustainable forms of development. We contend that this scheme falls squarely in line with this, as explained below.

- 4.55 The NPPF suggests that there are three core strands / roles relating to sustainable development : **economic, social and environmental**.

Economic Benefits

- 4.56 In terms of the **economic** role, the proposal will assist in supporting sustainable economic growth, through the provision of quality homes, helping to ‘*create the thriving places that the country needs*’, and contributing to the evolution of this part of the city.
- 4.57 The building of 552 mixed apartments and commercial space will create construction jobs and generate a substantial New Homes Bonus payment.
- 4.58 Overall, construction accounts for circa 7% of GDP. However, the effects of construction activity are certainly felt more widely than this figure suggests, with spending on construction estimated to create growth in the wider economy at a rate of £2.84 wider spend for every £1 spent on construction.
- 4.59 For this project, an average of 200 FTE jobs are likely to be generated per annum over the course of an expected 3.5 year construction period.
- 4.60 The scheme has the potential to draw upon local labour for the construction of the new homes. While many of these jobs will be located on the site itself, others will be based in the wider Liverpool area, with some further afield within the construction supply chain. The jobs will vary in type, from elementary occupations (e.g. site labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors).
- 4.61 Alongside its role in supporting employment creation, the construction industry is a good source of training and skills development, including apprenticeships. This is important at a time when young people face particular problems entering the workforce.
- 4.62 A conservative estimate is that the proposal will accommodate an average of 1.25 people per dwelling. That equates to a population of around 690. Each household would be expected to spend a significant proportion of their household income in Liverpool.

- 4.63 On the above basis, we suggest that this scheme will deliver considerable economic benefits to Liverpool.

Social Benefits

- 4.64 **Socially**, the proposal will address the need for more housing in Liverpool and will play a part in rectifying the City's poor performance (in respect of delivery of new housing) over recent years. At Inquiry in November 2017 the following table was agreed between the appellant (Redrow) and the City Council. This demonstrates that, aside from one year (when the annual housing target was exceeded), the supply in the other monitored years fell well short of the minimum target. This resulted in a cumulative shortfall of 1,520 dwellings, which is almost 1 year's supply of housing.

Year	Annual Requirement	Completions	Annual shortfall	Accumulated shortfall
2012/13	1739	896	843	843
2013/14	1739	1002	737	1,580
2014/15	1739	1509	230	1,810
2015/16	1739	2029	+290	1,520
Total	6,956	5,436	1,520	1,520

- 4.65 The provision of sufficient good quality housing goes to the heart of a good and strong society, and is undoubtedly an important social benefit. This is made clear in the following statement in the 2017 Housing White Paper :

"The housing shortage isn't a looming crisis, a distant threat that will become a problem if we fail to act. We're already living in it. Our population could stop growing and net migration could fall to zero, but people would still be living in overcrowded, unaffordable accommodation. If we fail to build more homes, it will get even harder for ordinary working people to afford a roof over their head, and the damage to the wider economy will get worse" [para 40].

- 4.66 The NPPF makes it clear that planning should be a proactive process to deliver the homes the country needs. Paragraph 17 states the importance of making every effort to respond positively to growth which meets identified needs.

Environmental Benefits

- 4.67 In considering **environmental** benefits, paragraph 8 of the NPPF advises that, to achieve sustainable development, economic, social and environmental “gains” should be sought.
- 4.68 The site in its current state detracts from the visual amenity of this part of this city. Its unkempt nature is clearly not sustainable or desirable in the long term.
- 4.69 The site is prominent brownfield land. Its redevelopment with impressive new buildings and open space will contribute to the ongoing renaissance and regeneration of Liverpool.
- 4.70 In the formulation of the scheme design and layout, regard has been paid to UDP Policy HD18 (General Design Requirements), with its emphasis on the need to deliver high quality urban design and architecture.
- 4.71 Such issues, together with a detailed explanation of the background and rationale to the design is contained in the separate Design & Access Statement, and articulated on the architectural and landscaping drawings.
- 4.72 The site is not located within a Conservation Area and contains no listed structures. It is located outside both the World Heritage Site and its ‘Buffer Zone’.
- 4.73 The new buildings will contribute towards local character utilising a bold and contemporary design solution. They will add visual interest and distinctiveness, and provide animation to the street scene.
- 4.74 It is therefore considered that the proposal satisfactory reflects and responds to the townscape / streetscape context and presents an appropriate, impressive and respectful design solution, in terms of height, siting, massing, materials and its relationship with existing buildings and spaces.
- 4.75 A further environmental benefit will be the introduction of new trees and other vegetation in a part of the city where greenery is sparse.
- 4.76 The application also proposes the introduction of new public realm adjacent to the designated Recreational Route that flanks the western edge of the site. That path is currently somewhat forbidding at this point, in that it lacks any natural surveillance and narrows to a blind pinch-point on the approach towards South Ferry Quay. The

introduction of natural surveillance and active commercial uses, combined with the proposed public realm works is a further environmental benefit of the scheme.

4.77 Overall, therefore, we contend that the proposal represents sustainable development, which will contribute **economically, socially and environmentally**. In view of that, the NPPF advises at paragraph that the presumption in favour of sustainable development should be the basis for every planning decision, and that **developments that are sustainable should go ahead “without delay”**.

4.78 We therefore anticipate that this application will be welcomed by the Council in respect of its deliverance of its ongoing agenda for sustainable growth and regeneration.

COMPLIANCE WITH THE NPPF

4.79 The NPPF is an important material consideration, and particularly given that the principal development plan policy is considered out of date.

4.80 We addressed the sustainability credentials of the scheme earlier, and concluded that the proposal represents **sustainable development which should go ahead without delay**. We will therefore say nothing further in respect of the sustainability support provided for this application by the NPPF.

4.81 The application is consistent with the remainder of the NPPF.

4.82 It will create quality mixed accommodation on an accessible, underused, sustainable, brownfield fringe City Centre site.

4.83 The proposal reflects policies designed to ‘build communities’, delivering a complementary and balanced mix of new homes. This will have positive implications for the social, cultural and economic well-being of the area.

4.84 The proposed development will help to deliver the housing objectives set out in the NPPF, which confirms that a key housing goal of the Government is to ensure that everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.

- 4.85 The NPPF also promotes good design, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and existing infrastructure, with priority being previously developed land (in particular vacant and derelict sites and buildings).
- 4.86 This application addresses all of these key policy aims and objectives: good quality, sensitive but bold design; making efficient use of existing infrastructure; and building the community in a sustainable, balanced fashion. We therefore contend that this proposal complies with the policy framework set out in the NPPF.
- 4.87 The development will create a vibrant and viable mix of residential and commercial accommodation on an accessible brownfield site, contributing to the ongoing regeneration in this fringe location to the south of the City Centre.
- 4.88 As such, the scheme complies with the NPPF.

SECTION 106 CONSIDERATIONS

- 4.89 The City Council's policy anticipates Section 106 contributions as below :

New or enhanced open space/public realm @ £1,000 per dwelling = £552,000 [ie 552 residential units x £1,000]. In this regard, it is worth highlighting that 2,524 sqm of landscaped communal amenity space will be provided between the buildings (which, whilst not accessible to the wider public, will be visible and appreciable), as well as 7,269 sqm of public realm works. We would request the LPA to take this into consideration when requesting S106 monies towards open space / public realm.

Either the provision of **1 tree per 5 dwellings (or 1 tree per 1,000 sqm of floorspace for non residential elements)**, or – if that level of tree planting is not realistic – payment of the cost of providing street tree (including their maintenance) at £4,000 per tree. This suggests a S106 contribution of 111 trees (110 for residential plus 1 tree for commercial space) = £444,000. The submitted landscaping scheme suggests the planting of 30 new trees within the public realm, which suggests a shortfall of 111 – 30 = 81 trees. That shortfall equates to a S106 contribution of 81 x £4,000 = **£324,000**.

15% of the value of the planning application fee to part fund the Council's costs in relation to the implementation of a strategy/programme for the provision of **Public Art**

= 15% x £96,293 = **£14,444** [however, we note that the statement in the NPPG that Councils should not be seeking S106 demands in respect of public art.]

To fund the post of a **Section 106 Monitoring Officer** (now referred to as the 'planning administration fee'), an additional charge of 15% of the value of the planning application fee = 15% x £96,293 = **£14,444**

Payment of Council's legal fees = £1,000.

STARTING POINT S106 TOTAL [BEFORE ANY REDUCTIONS APPLIED TO REFLECT EXTENT OF PUBLIC REALM WORKS] = circa £800,000

TRANSPORT CONSIDERATIONS

- 4.97 The site is located in an accessible location within the built up area of Liverpool. It is located on the southern fringe of the City Centre (as defined by the SIF) and is served by frequent bus services and within easy walking distance of Brunswick railway station. Pedestrian and cycling facilities and connections are generally good, and the site abuts a defined and attractive Recreational Route that links the southern part of Liverpool to the City Centre to the north.
- 4.98 Transport considerations are reported in more detail in the Transport Assessment (by Mott MacDonald). This concludes that the scheme accords with local and national policy to site development adjacent to good transport linkages and other attractions to minimise trips and share trip movements. It confirms that the site occupies a sustainable location and that the site layout is designed to accord with good practice. It further confirms that there are no operational transport issues that would arise if the development was to proceed, and that the scheme will have little or no impact on the local highway network. Fundamentally, Mott MacDonald conclude that there are no reasons why the scheme should not be approved from a transportation point of view.
- 4.99 Mott MacDonald have also produced a Travel Plan Framework which is submitted with the application. The intention of this is to demonstrate a commitment to sustainable travel initiatives. It provides an indication of how the scheme will be designed and

managed to discourage reliance on the private car and promote alternative modes of travel for both the residential and limited commercial elements of the scheme.

HERITAGE CONSIDERATIONS

- 4.100 The application is supported by a Heritage Statement produced by Graeme Ives Heritage. This confirms that the application site is located near several listed buildings and structures in the southern part of the dock estate, which forms part of the vast setting of the Anglican Cathedral. The Liverpool Maritime Mercantile World Heritage Site (WHS) and associated Buffer Zone (BZ) are also located to the north of the site, incorporating the Albert Dock Conservation Area.
- 4.101 The Statement notes that there are no heritage assets within the application site, and any heritage impacts would be indirect and relate to potential minor change within the setting of the heritage assets identified elsewhere in the Statement.
- 4.102 It is explained that the form and massing of the proposed development have been informed by a detailed view analysis that includes viewpoint locations identified in the World Heritage Site SPD and a series of bespoke locations identified specifically for the proposed development. Care has been taken to review and refine the proposals with the benefit of the view analysis. In this context, the proposed development would sit comfortably in the complex urban landscape below the Anglican Cathedral and would not visually compete with the Cathedral in the foreground of strategic views.
- 4.103 The Assessment notes several listed buildings located close to the southern end of Brunswick Dock. It suggests that the proposed development would cause most change within the setting of the Bradbury House Custom Depot located at the northern end of the dock landform that was once occupied by Toxteth Dock, to the south of the application site. However, it suggests that the ability to appreciate the special architectural interest and understand the functional role of the buildings would not be harmed.
- 4.104 The Statement concludes that the proposal is in accordance with the relevant statutory duties of Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and will sustain the significance of the identified heritage assets. It is therefore consistent with the requirements of the NPPF and the Liverpool UDP.

- 4.105 We also draw attention to the correspondence from Historic England at Appendix I. This confirms that :

'I consider that the scheme presented to me on the 9th August 2017 would not impact on the setting of the cathedral, as the proposed buildings would sit comfortably below the shoulder of the structure in all views, as demonstrated in the visualisations provided. This would allow the cathedral to remain the dominate structure in the surrounding landscape.'

- 4.106 For the reasons expressed above, we contend that that are no heritage grounds to resist the proposal.

ECOLOGY

- 4.107 The application is supported by a *Wintering Bird Survey Report* compiled by Ecology Services Ltd (following pre-application guidance received from the LPA and MEAS). This advises that no target bird species or other notable bird species were recorded using the site itself during the wintering bird survey. Three bird species associated with nearby SPAs were recorded using habitats in the wider survey area; little gull, redshank and cormorant.
- 4.108 In view of the low numbers of individuals species recorded within the survey area, it is considered that habitats within the survey area do not comprise an important area of supportive habitat for these bird species. Furthermore, for this reason it is not considered that the proposed development would result in significant negative effects on these species or other bird species associated with the Liverpool Bay SPA or other SPAs in the surrounding area, and therefore no further assessment of likely significant effects is deemed to be required in support of the planning application.
- 4.109 Notwithstanding the above, it is recommended that precautionary measures are implemented to protect estuarine and dockland habitats and maintain opportunities for birds associated with nearby SPAs during the construction and operational phases of the development proposed at the site.
- 4.110 Avoidance and mitigation measures to minimise the potential for impacts of development on the Liverpool Bay SPA and associated habitats should include:

- All works should be carried out in accordance with relevant Environment Agency pollution prevention guidance, to minimise the likelihood of construction related pollutants entering the dock or estuary;
- Appropriate measures to reduce noise from construction activities to minimise potential disturbance to birds and other wildlife using areas surrounding the site;
- A sensitive lighting scheme should be designed to minimise additional light spill into habitats surrounding the site during both the construction and operational phases of the proposed development.

4.111 It is recommended that the above measures are reviewed by an appropriately qualified ecologist at an appropriate stage prior to works commencing. These recommendations are accepted by the Applicant and we anticipate that an appropriate condition will be attached to the planning permission to secure these.

FLOOD RISK AND DRAINAGE

4.112 The application is supported by a Flood Risk Assessment and Drainage (by Integra Consulting). This includes correspondence with the Environment Agency in November 2016 which confirms that the site lies in Flood Zone I albeit this is not yet reflected on the EA Product 4 map. On the basis that the site lies in Flood Zone I, neither the sequential nor the exception test apply.

4.113 The report confirms that it is proposed to discharge post-development surface water run-off to the River Mersey via a new outfall structure. As the proposed post-development surface water outfall is tidal, there is no requirement for surface water storage on the development site.

4.114 The report also confirms that it is proposed to discharge post-development foul water at the southern end of the development site into the existing 225mm diameter adopted surface water sewer that extends from north to south.

4.115 In terms of Flood Risk Management Measures, the report notes that there will be a site management Health and Safety document prepared in respect of the site. All roofed and paved areas are to be formally drained into the site surface water drainage system.

- 4.116 The report concludes that, with careful design of the drainage elements as described above, there will be no residual flood related risks remaining after the development has been completed.
- 4.117 There are therefore no flood risk or drainage concerns that should prevent approval of the application.

MICROCLIMATE CONSIDERATIONS

- 4.118 The application is supported by a Microclimate Assessment report produced by Wardell Armstrong. This confirms that, utilising the industry accepted 'Lawson comfort criteria', these are exceeded in numerous locations throughout the proposed development, primarily when the wind is blowing directly from the river. This is as a result of relatively high wind speeds in this area and in most cases the proposed buildings are not having a significant effect on the wind speeds experienced.
- 4.119 A number of areas of mitigation have been suggested and once these have been designed and implemented, Wardell Armstrong would not expect any further issues. In some instances, Wardell Armstrong suggest that common sense must prevail in that users must be permitted to make their own judgements about whether or not to use a particular area.

GROUND CONDITIONS

- 4.120 The application is supported by a *Phase 1 Geo-Environmental Investigation* report (by Integra). This suggests that, as a result of the risks identified, a Phase 2 intrusive environmental ground investigation (including contamination testing of soils and groundwater together with ground gas monitoring and assessment) will be required prior to any below ground construction work. We anticipate a standard condition in this regard.
- 4.121 The report confirms that the site has been designated a high risk of UXO (Unexploded Ordnance) and as such measures during site investigation, groundworks and piling works will be required (as detailed within the *Alpha 6 Report* contained within Appendix I4 of the report).

- 4.122 From the results of the Phase 2 site investigation work – if that identifies a potential risk and / or a requirement for further detailed site-specific assessment - a Phase 3 environmental investigation report, including a Remedial Strategy (informing on potential remediation solutions) may be required.
- 4.123 Subject to any such future investigations (governed by conditions), we suggest that there is no good reason to resist this proposal on ground concerns.

5.0 CONCLUSIONS

- 5.1 The application proposes the regeneration of a prominent, vacant, brownfield 'eyesore' site with a mixed use development of excellent quality.
- 5.2 The proposal will provide quality new homes and 'active' commercial uses at lower level. It will transform this fringe of City Centre site into an attractive, sustainable, vibrant and efficiently used environment, creating an attractive, balanced living and working environment.
- 5.3 The site is designated for industrial uses in the Liverpool UDP, but that designation is out of date. Indeed, the Council is proposal that the designation be altered to a Mixed Use area in the emerging Local Plan (which has recently been submitted for examination). Notwithstanding that, the proposal does include an element of commercial floorspace with its associated job creation.
- 5.5 The application is consistent with the policy aims and objectives of the NPPF. That promotes the efficient use of land, sustainable economic regeneration, and the prioritisation of brownfield land. It confirms that proposals for the use of longstanding employment designations should be treated on their merits and have regard to market signals.
- 5.6 The scheme presented is of high quality and innovative design and layout, and has been shaped through the proactive and rigorous guidance of both the LPA and Historic England. It will contribute to local distinctiveness, and will be a marked improvement over the current condition of the site. The scheme has been designed to make efficient and effective use of the land and existing infrastructure. It will integrate with the immediate surroundings, namely the established residential area to the immediate north.
- 5.7 The proposed development will also deliver the housing objectives of the NPPF, which confirms that a key housing goal of the Government is to ensure that **everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.** That aspiration goes to the heart of this proposal. This scheme will help to build a mixed and balanced living and working community.

- 5.8 We therefore maintain that the proposal represents sustainable economic development. Approval of the application will reflect the advice of central Government in the NPPF that planning should not simply be about scrutiny, but instead be **a creative exercise** in finding ways to **enhance and improve** the places in which people live their lives :

‘Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.’

- 5.9 For all of the above reasons, we contend that the application proposal is compliant with all relevant adopted and emerging policies (ie those which are current and not out of date) and will deliver a range of much needed regeneration benefits. This is sustainable development. We accordingly commend it to the Council and urge its positive determination.

Appendix I

Pre-Application Comments from Historic England



Historic England

Graeme Ives
Graeme Ives Heritage Planning Ltd.

Our ref:
Your ref:

Telephone 0161 242 1430
Fax

30 August 2017

Dear Graeme

Request for pre application Advice

re: BRUNSWICK DOCK, LIVERPOOL

Thank you for contacting us regarding your proposals for the above site, having reviewed the provided Statement of Significance, as well as the Historic England Vision Document, we have the following comments to make.

Advice

Brunswick Dock forms part of Liverpool's extensive dock system which at its height was the most important transatlantic port in Europe. Specialist docks were built to cater for the specific requirements of the movement of goods; Brunswick Dock was such a basin, originally designed to allow the easy unloading of timber, often transported from the Baltic. It is that trade that led to the adjacent settlement being known as the Baltic Triangle.

Firstly constructed by the pioneering dock engineer Jesse Hartley in 1827-32, Brunswick underwent extensive alterations, and rebuilding in 1905 by A.G.Lyster. A number of components of the historic dock formation remain, including the Gate Keepers huts (G11) positioned either side of the former entrance to the Brunswick half tide basin; however the dock is not included within the World Heritage Site, or its Buffer Zone, and is not covered by a conservation area designation.

The current proposals seek to redevelop an area of Brunswick Dock as a series of three largely residential complexes, positioned adjacent to the 1905 lock complex. Historic England has a defined statutory remit setting out which proposals we provide advice and guidance on. Having reviewed the documentation provided, the only trigger point for our involvement would be if the proposed new build were considered to impact on the setting of the grade I listed Anglican Cathedral.



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
Telephone 0161 242 1416 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.





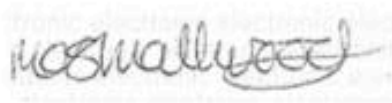
I consider that the scheme presented to me on the 9th August 2017 would not impact on the setting of the cathedral, as the proposed buildings would sit comfortably below the shoulder of the structure in all views, as demonstrated in the visualisations provided. This would allow the cathedral to remain the dominate structure in the surrounding landscape. However, were the scheme to increase in height notably, our views on the matter may alter accordingly, and we would welcome additional discussions in those circumstances.

With regard to the World Heritage Site (WHS), were we to be a statutory consultee on a formal application, we would not suggest to LCC that the scheme required a Heritage Impact Assessment in line with the ICOMOS guidance to be produced. This is because the scheme falls outside of the buffer zone of the WHS. It would be beneficial, however, for any statement of significance to consider the relative contribution of the site to the OUV, as the area does form part of the historic development of the dock system, and requires reference for completeness.

Recommendation

Thank you for involving us at the Pre-application stage. The above advice is the response that we would give if the same proposals were put forward unamended for statutory approval.

Kind regards



Marie Smallwood
Inspector of Historic Buildings and Areas
Marie.Smallwood@historicengland.org.uk

Appendix 2

Pre-Application Comments from LPA



Matthew Quinton
Fletcher – Rae UK Ltd
Hill Quays
5 Jordan Street
Manchester
M15 4PY

Date: 6th October 2017

Enquiry ref: 0605/16

PRE-APPLICATION ADVICE

Location

Vacant Land at Brunswick Dock, Accessed off Atlantic Way, Liverpool, L3 4BL

Description of Proposal

The latest proposals outlined within the design document entitled Vision Document Vol IV – 22nd August 2017 was presented and expanded upon within the pre-application meeting held on 22nd August 2017. The proposal would take the form of the following basic elements:

- 4no. blocks (totalling 555 units)
- 268 space ground floor car park
- 3 intervening private piazzas at first floor level
- Area of public realm to west
- Ground floor commercial uses (gym and retail units)

Site Description

The site is an irregular shaped plot of vacant, some 2.88 acres in size, cleared from a previous industrial uses. It is accessed from Atlantic Way, which borders the site to the south. Brunswick Dock forms the eastern and southern perimeters of the site. The Mersey and the dock gate form the boundary of the site to the west.

Relevant Site History

No recent planning applications have been made in respect of the site.

Planning Constraints

The site constraints below are relevant to the development under consideration but do not constitute a formal response under the Land Charges Act 1975

- Within a Primarily Industrial Area - Policy E1 (UDP Proposals Map, adopted Nov 2002)

Relevant Planning Policies

Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that development should be carried out in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Liverpool Unitary development Plan (UDP) adopted 2002 (containing 'saved' policies).

National Planning Policies

The NPPF came into effect on 27th March 2012 and sets out the Government's planning policies for England and how are expected to be applied. The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The following sections of the framework apply to these proposals:

Chapter 1— Building a strong, competitive economy
Chapter 4 — Promoting sustainable transport
Chapter 6 — Delivering a wide choice of High Quality Homes
Chapter 7 — Requiring good design
Chapter 12 – Conserving and enhancing the historic environment

Planning Practice Guidance

Planning Practice Guidance: Design

Planning Practice Guidance: Conserving and Enhancing the Historic Environment

Practice Guidance: Determining a Planning Application

Local Planning Policies

Liverpool Unitary Development Plan Policies

The following saved Unitary Development Plan policies are relevant to these proposals and are considered to align with the principles, aims and objectives of the NPPF. As such, they are considered to carry significant weight.

GEN 1 Economic Regeneration
GEN3 Heritage and Design in the Built Environment
E1 Primarily Industrial Areas
HD18 General Design Requirements

HD19 Access for All
HD20 Crime Prevention
HD21 Energy Conservation
HD23 New Trees and Landscaping
HD24 Public Art
OE14 Open Space in New Residential Developments H3 City Centre Living
H5 New Residential Development
T6 Cycling
T7 Walking and Pedestrians
EP9 Waste Storage
EP11 Pollution

SPD — Ensuring a Choice of Travel
SPD — Liverpool Maritime Mercantile City World Heritage Site Management Plan
SPD — Access For All

Draft Liverpool Local Plan

The Draft Liverpool Local Plan was published for consultation in mid-September 2016. The representations received to this consultation are currently being reviewed by the City Council and therefore it is considered that the Local Plan is at a very early stage. Accordingly, it is given very little material weight in the assessment any planning proposals at this time.

Internal Consultations

The following key Council services would be consulted over a planning application. (Please be aware that others may be added during the planning application process)

Environmental Health
Highways Authority
Conservation/Urban Design Team
Highways Drainage
Regeneration Development Team

External Consultations

The following key external organisations/individuals would be consulted over a planning application. (Please be aware that others may be added during the planning application process)

Historic England
Places Matter (Design Panel)
Environment Agency
Canal and Rivers Trust
MEAS (Ecology / Archaeology / Waste Issues)
Neighbouring residents/businesses
Ward Councillors
Local Stakeholder Groups
United Utilities
Merseytravel
Merseyside Fire and Rescue Service
Civil Aviation Authority/John Lennon Airport

Pre-application advice

The advice given below is as accurate as possible but is an officer's view of your proposal based upon the information you provide and material planning considerations. Advice is given without prejudice to any subsequent planning decision by the City Council.

Principle of Development:

The latest proposal seeks to construct a predominantly residential scheme which includes minor commercial elements.

The UDP identifies the site as a Primarily Industrial Area to which Policy E1 is applicable. Given the proposed use any application would need to be supported by sufficient justification given the evidence contained within the Council's current employment land study figures (2017) and the subsequent general conclusions of need to retain employment land. However, as part of this justification paragraph 21 of the NPPF would support the integration of residential and commercial uses within the same unit whilst paragraph 22 further assists these proposals in respect of current land allocations and the avoidance of the long-term protection of sites allocated for employment use, where there might be no prospect of a site being used for that purpose. Taking into account both national and local policy guidance, provided sufficient levels of employment uses are provided within the scheme the principle of residential accommodation, with some employment generating commercial uses is likely to be easier to justify.

Scale, Massing and Design

The proposed scale / height of the development has been the subject of dialogue during previous pre-application meetings and has been subject of comment in previous email exchanges. The site is located outside the WHS. The SPD identifies the most southern cluster of tall buildings at the corner of Parliament Street / Chaloner Street, termed as the 'Southern Gateway' to the City Centre. Any height further south of this nodal point needs to be fully understood and justified in urban design terms. The visual assessment and images provided have assisted in respect of this issue. Following previous design proposals there remained concerns that the building height didn't reflect the surrounding context and the city's wider hierarchy of heights. The historic dock system has a strong horizontality to its built form and the area immediately surrounding the site is characterised by low-rise 3-5 storey buildings. Consequently, the proposed height disparity was concerning. Having considered the revised proposals and the visual assessment carried out, the maximum height that the Council could support in this location would be 12 storeys above the site's existing ground level so as to ensure that the proposals related acceptably to the locality.

The form of the development has successfully evolved and the amended proposals have taken a number of the previous design comments into account so as to address key density and massing issues. The use of a layering approach the design has assisted to reduce the overall perceived massing. The blocks have been given greater articulation providing increased visual interest to their overall form which better reflects the site and its unique form. Likewise, the applicant is encouraged to further consider the shape the two centre blocks so as to further enhance the visual interest of their general form and continue the exciting typology of the proposed blocks to the north and south. The projecting overhang of one of the blocks is seen to be a useful device in achieving such aims and could be further employed

elsewhere within the design. The use of contrasting materials to create interesting and varied solid and void combinations successfully reduces the overall perceived mass of the blocks. It is acknowledged that the suggested façade treatments portray characteristics of local distinctiveness. This interplay with solid and void combinations, thorough careful use of materials should be furthered in the evolution of the facades to create further articulation and relief so as to avoid monolithic elevations. The precise interface / separation distances between the blocks isn't known at this point. It would be helpful to further consider window to window distances to provide this information in order that further comments as to the acceptability of the proposals could be made.

The three first floor piazza spaces between the buildings have been enhanced to provide a better quality of living environment for residents. Whilst the raised element of the design increases security for future residents, the ground floor car park below results in large sections of blank, inactive frontages on the peripheries, below residential units. Although these ground floor areas would be well-surveilled the lack of active frontages wouldn't provide any form of meaningful engagement at ground floor level. The further evolution of the design is therefore encouraged to create more animation to the ground floor frontages possibly via the introduction of additional ground floor uses and access points to encourage the building and its future uses to engage in increased dialogue with the surrounding areas of public realm.

The need to create a cohesive form of development across the site which results in high quality place-making is paramount. The predominant areas of public realm are located on the western boundary of the site adjacent to the river. Whilst these enhanced areas featuring higher quality surface treatments are welcome so as to encourage the further use of the riverside's north-south through-route, the issue of the strength of prevailing winds are likely to discourage any particular lengthy stay within this amenity space. In order to facilitate the creation of appropriate mitigation strategies to address this issue across all areas of public realm as well as the intervening private amenity spaces, the design should be fully informed by microclimate assessments including wind modelling. Consideration should also be given within the design process to the use of the spaces fronting onto the dockside to the east, which are likely to provide an opportunity for dockside activities in more sheltered locations. The design of this element of the site should fully encourage use of this premium dockside frontage, animated by enhanced public realm and further encouraged by commercial uses to enliven and stimulate the dock and more importantly utilise the opportunity to create a sense of place.

Highway Impact

The principle of residential development in this location is acceptable from a Highway Authority perspective provided that parking associated with the areas of retail/commercial uses can be appropriately accommodated within the site. The proposal is located within a highly sustainable location with good external links via public transport (bus and train) and cycle routes. Some 268 parking spaces are currently proposed in the latest design proposals. Proposed parking bays must meet the Council's standard size/access specification. In accordance with the guidance contained within the Ensuring a Choice of Travel SPD, in this location the Highways Authority would seek the provision of circa 60% parking provision for residential / occupiers (inc 6% spaces for disabled in accordance with Policy T3), supported by adequate secure cycle provision (1 space per flat).

A Transport Statement would need to evidence an acceptable impact on the local highway network, addressing concerns in respect of the potential impact of the development upon the Summers Road and Sefton Street in peak hours in particular.

Further information in respect of bin stores, refuse collection and servicing proposals would be required by the Highway Authority to further assess the adequacy of any submitted proposals. If any parts of the building oversailed the highway and a licence will be required from the Council as Highway Authority.

Environmental / Amenity

Given the nature of the area and former industrial use, it is highly likely that there would be contamination issues associated with this site that may need remediation. It is very important that the developer understands the need to commission a study of ground contamination and to submit this report prior to any start on site. Planning conditions requiring this ground investigation work and any remedial measures would be attached to any planning approval of development on this site. As a minimum the ground conditions checklist on the city council's website will need to be supported with any planning application for the site.

Given that ground floor commercial uses are proposed, any air handling or extraction equipment should be fully detailed. Specific sound insulation measures should be specified for residential units, including details of acoustic attenuation between party walls, particularly between residential uses with adjacent commercial neighbours.

Separate bin storage areas will be required for the commercial and residential users of the building. As a guide 60 litres of storage space per week is necessary per resident. Provisions should be made for recycling as well as non-recyclable waste. Liverpool City Council's 'Recycling and Waste Management Planning Guidance' dated October 2016 may be consulted for further information.

Heritage Impact

The site is not located within the World Heritage Site nor its Buffer Zone. Neither is the covered by any Conservation Area designation.

Historic England has confirmed that having reviewed the proposals presented to them on 9th August 2017, they wouldn't impact on the setting of the cathedral as the proposed buildings would sit comfortably below the shoulder of the structure in all the views demonstrated in the visualisations provided. This would allow the cathedral to remain the dominant structure in the surrounding landscape.

Historic England has also confirmed that with regard to the WHS, were they to be a statutory consultee on any formal application for the scheme presented, they would not suggest to the Council that the scheme required a Heritage Impact Assessment to be produced in line with the ICOMOS guidance. It has been confirmed however that it would be beneficial for any statement of significance to consider the relative contribution of the site to the OUV, as the area does form part of the historic dock system and requires reference for completeness.

The WHS is a highly sensitive historic townscape designated for its Outstanding Universal Value (OUV). The government's Planning Practice Guidance make it clear that when a development has the potential to impact upon the Outstanding Universal Value of a WHS, affecting its setting or buffer zone, it is necessary for the applicant to submit sufficient

information with their application to enable assessment of impact of the development upon this OUV. This would need to include detailed historical information and visual impact assessments. In this case it would need to include, as a minimum, a visual analysis based on the key, agreed views contained in the World Heritage Site SPD, as contained within the latest pre-application document (22nd August 2017).

Public Open Space/ Section 106 Contributions in Lieu of Public Open Space

Policy OE14 of the UDP requires that developers make appropriate provision for open space (including areas of public realm) for informal and formal recreation/leisure facilities to meet the needs generated by the development. The Council requires all major developments of 10 or more dwellings including flats, student accommodation and elderly / sheltered housing to contribute towards the provision of open space/public realm and that the contribution to the cost of new or enhanced open space/public realm be £1000 per unit.

If this development wouldn't offer the full required level of open space or public realm (with environmental and or recreational value) apposite to the number of units proposed, the applicant would be required to pay a commuted sum to the City Council in lieu of the provision of public open space, in accordance with Policy OE14 of the UDP. This commuted sum would be spent on upgrading the local environment and public realm works in the area surrounding the application site.

Policy HD23 of the UDP requires developers to make proper provision for the planting and successful growth of new trees and landscaping, including any replacement planting provided as compensation for the loss of any trees due to the development. Although some indicative tree planting is shown within the latest proposals, there appears to be limited scope for tree planting within this proposal; therefore, the applicant would be required to pay a commuted sum, via an s106 agreement, for the planting of street trees to compensate for the lack of full provision on site. The s.106 payment would cover the planting of street trees together with their on-going maintenance and is calculated at a rate of one tree per five dwellings, at a cost of £4000 per tree.

Policy HD24 of the UDP indicates that the council will encourage the provision of appropriate new works of art within new development proposals, and that such works shall contribute to their surroundings and the amenity of the wider area. In accordance with the resolution of the Executive Board in November 2008, the developer would be required to make a contribution to the funding of the council's costs in relation to the implementation of a strategy and programme for the provision of public art. The Council's costs in relation to the implementation of a strategy/programme for the provision of Public Art is calculated at 15% of the application fee.

Finally, 15% of the planning application fee is charged for s106 administration and monitoring fees.

Environmental Impact Assessment

Once the design of the scheme is finalised screening will determine whether the proposed development requires an Environmental Impact Assessment (EIA). The regulations confirm that where a proposed development falls within one of the descriptions contained in Schedule

Appendix 3

LPA's EIA Screening Opinion

Enquiries to: Paul Vertigen
Contact No: 0151 233 3021
Email: paul.vertigen@liverpool.gov.uk
Date: 6th April 2018



F.A.O. Richard Gee
Roman Summer Associates Ltd
Lime Leach Studio
363 – 367 Rochdale Road
Turn Village
Ramsbottom
Bury
BL0 0RL

Dear Richard

Town and Country Planning (Environmental Impact Assessment)
(England) Regulations 2017

Request for a screening opinion in respect of Land at Brunswick Quay, Atlantic Way, Liverpool.

I write in reply to your letter dated 21st October 2017 (Ref: MJ/RG/G315/L001), requesting a formal Screening Opinion from Liverpool City Council as the local planning authority, under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 in respect of the proposed mixed use development at Land at Brunswick Quay, Atlantic Way, Liverpool for which a detailed planning application is being prepared.

Proposal:

This is an EIA screening for a mixed use development comprising erection of four interlinked blocks to accommodate a total of 550 apartments with 600 sqm of ground floor commercial space, 245 car park spaces and vehicular access, hard and soft landscaping, creation and enhancement of the public realm and communal and private gardens. The site area is 1.146ha.

EIA Screening

The screening request correctly identifies that the proposal falls under Schedule 2 10(b) of the EIA Regulations 2017. The applicable screening criteria and thresholds for this type of development are if the proposal includes:

- (i) More than 1 ha of urban development which is not dwellinghouse development; or
- (ii) More than 150 dwellings; or
- (iii) If the overall area of the development exceeds 5 ha.

At circa 550 dwellings the proposal is significantly above criteria (ii), the other criteria are not exceeded, nevertheless, EIA screening is required.

Liverpool City Council
Municipal Buildings, Dale Street, Liverpool, L2 2DH
T: 0151 233 3021
E: planningandbuildingcontrol@liverpool.gov.uk
www.liverpool.gov.uk



it's liverpool

The site is not located in a sensitive area as defined by the regulations. However, it is located directly adjacent to the Liverpool Bay proposed SPA extension.

Planning practice guidance further assists the screening process. It states that EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. For sites not previously intensively developed it provides indicative criteria and thresholds as follows:

- (i) The area of the scheme is more than 5ha;
- (ii) It would provide a total of more than 10,000m² of new commercial floorspace; or
- (iii) The development would have significant urbanizing effects in a previously non urbanized area e.g. more than 1,000 dwellings.

The site is brownfield, and therefore, technically has previously been developed although there are no structures currently on the site, other than existing river and dock walls. Previous uses on the site included docks and warehousing which are likely to generate different impacts. The dock has been infilled and therefore contamination may be present. The applicant is proposing to submit a geo-technical report. Although currently not intensively developed, the proposal does not exceed the indicative criteria and thresholds.

Consideration needs to be given to the criteria in Schedule 3.

Characteristics of Development

The footprint of the site falls below screening thresholds, although the proposal is for 6, 8, 10 and 12 storey buildings and 550 dwellings. There is potential for cumulative ecological impacts associated with this proposal and other proposals along the River Mersey on the nature sites, however, these can be assessed as part of the Habitats Regulations Assessment. The development is not expected to use more than the usual amount of resources, and in fact will be re-using a brownfield site. The production of waste and control of pollution and nuisance can be managed through normal planning procedures.

Location of Development

The characteristics and types of impact are not anticipated to be more than local, and are not complex. Consideration will need to be given to impacts on the European designations, however, this can be managed through the Habitats Regulations.

Types and Characteristics of the Potential Impact

The characteristics and types of impact are not anticipated to be more than local, and are not complex.

The proposed development of this previously developed site will be unlikely to affect any of the sensitive areas listed in Schedule 3 of the EIA Regulations or any other important ecological features. EIA will not, therefore, be required on this occasion from an ecological perspective.

Consideration will however need to be given to impacts on the European designations, this can be managed through the Habitats Regulations. Due to the location of the proposed development, its scale and proximity to European sites, the proposals will likely require Habitats Regulations Assessment (HRA) for likely significant effects. The Ecological Impact Assessment (EclA) should follow CIEEM¹(2016) guidance and must provide sufficient information to enable the HRA to be undertaken by the Local Planning Authority. In terms of European sites, reference should be made to the North Wirral Foreshore Ramsar site (which is also an SPA) as this lies within a 3.3km radius of the site, Mersey Estuary SPA and Ramsar sites and New Ferry SSSI which lie approximately 1.5km and the Liverpool Bay SPA proposed extension which lies directly adjacent to the site.

Potential impact pathways on the European sites need to be considered as part of the EIA including, but not limited to noise and visual disturbance effects, increased lighting, transfer of construction-related pollutants and recreational pressure. The EIA Screening request states that an extended Phase 1 habitat survey together with bat/breeding bird survey will be undertaken. Non-breeding (wintering) bird surveys should also be undertaken given the proximity of the protected sites.

Construction activities associated with the proposals can be a source of environmental impacts through noise, air pollution and emissions. However, these are temporary effects and can be readily controlled through good practice construction methods and a range of standard mitigation measures some of which will be required through planning controls. It is not considered that these effects in this instance will be environmentally significant.

Brunswick Dock is a non-designated heritage asset, MME 9691, recorded on the Merseyside HER. Built 1827-32 by Jesse Hartley, the docks were subject to extensive rebuilding in 1905 by A.G. Lyster which saw the removal of the shipbuilding yard, graving docks (MME 16704) and barge dock, to be replaced with a new lock and, now demolished, warehousing. Surviving features from the early 20th century rebuilding of the Dock are not considered to be of significance.

Conclusion

Having reviewed the Screening Report and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, it is considered that the proposals are unlikely to give rise to significant environmental effects, the proposal does not constitute EIA development and an Environmental Statement does not need to be prepared on this occasion. In accordance with Regulation 6 (7) of these regulations this 'screening opinion' has been formally recorded as part of the Authority's application records.

I trust this letter explains the local planning authority's position on the need for EIA and HRA clearly, however, if it would help to discuss the matters further please give me a call.

Yours sincerely,

Paul Vertigen
Planning Officer

Appendix 4

Summary Points from 2006 Appeal Decisions

NOTES:

1. INSPECTOR RECOMMENDED APPROVAL OF SCHEME B, BUT THE SOS REJECTED BOTH SCHEMES A AND B
2. THE NUMBER IN BRACKETS [] AT THE END OF EACH STATEMENT REFLECTS THE PARAGRAPH NUMBER OF THE PARTICULAR DECISION
3. ALL TEXT ARE DIRECT QUOTATIONS FROM DECISION LETTERS

“SCHEME A” :

The erection of a mixed development consisting of a building of 51 storeys (with a height of 166.25m AOD) and two buildings of 10 storeys incorporating 489 apartments plus 4 live/work units; hotel (class C1) 35 beds; retail uses (A1 A2 A3) 924 sq m; plus servicing areas, basement car parking (455 spaces), landscaping with associated works and accessed from Sefton Street via Brunswick Way roundabout following demolition of existing premises.

“SCHEME B” :

The erection of a mixed development consisting of a building of 51 storeys with a height of 166.25m AOD and two buildings of 10 storeys incorporating 2,947 sq m replacement office accommodation (class C3); 414 apartments; hotel (class C1) 51 beds; retail uses (class A1, A2, A3) 1000 sq m; 851 sq m community use facility (class D1); plus servicing areas, basement car parking (446 undercroft spaces), landscaping with associated works, and accessed from Sefton Street via the Brunswick Way roundabout following demolition of existing premises.

THE INSPECTOR SAID :

The main difference between the proposals is that scheme B would include nearly 3,000 sq.m of office space. In the case of Scheme A there would be 489 apartments and in the case of Scheme B 414 apartments [295]

Whilst the proposed design draws certain shapes and forms from its nautical setting it would be markedly different from the existing development around in terms of its sheer stature, its massing and its materials. However there is nothing memorable within this part of the southern docks other than the water and the robust powerful forms of the quaysides. I consider that the tapering tower with its rounded prow pointing towards the City Centre, flanked by the two lower buildings and partially enclosing a raised landscaped space at podium level, is an appropriate response to the peninsular site at a key location on the waterfront. The cut away

form at the base of the tower and the splay on the south elevation would give it an almost dynamic appearance with the two wedge shaped pavilions, which would be visually more solidly anchored to the quayside, appearing to follow in its wake. [300]

I am satisfied that with the proposed hard and soft landscaping the schemes would result in the creation of high quality public spaces on a site to which there is not currently public access. [305]

I accept that it would have been desirable had the buildings housed a range of uses that would draw more people to the site. However both schemes would provide an attractive new high quality public space and the retail and commercial uses, particularly in scheme B, would provide a degree of attraction and generate vitality and interest at pedestrian level. [306]

The location of the site on a 'knuckle' on the waterfront was referred to in the letter from English Heritage supporting the site as an appropriate location for a tall building. [320]

Whilst the location has not been recognised in the past as somewhere that merits marking I am inclined to the view that it is of significance in terms of the topography and morphology of the city.

I would agree with English Heritage that in principle the site is an appropriate one for a tall building.

The site is one that merits marking with a tall building [346]

The proposal is contrary to the letter of policy EI(i). However bearing in mind the supply situation the development of the appeal site for primarily residential use would not undermine the underlying purpose of the policy which is to protect adequate reserves of employment land and ensure there is a sufficient stock of employment sites. Also paragraph 6.26 of the supporting text indicates that there may be occasions where individual proposals for alternative uses including residential development on industrial land will be appropriate. That the policy is not to be regarded as a total embargo on non employment development within PIAs is demonstrated by the Council's own actions in granting permission for significant residential development within them. [358]

As in my opinion the proposals would accord with other UDP policies there would be no conflict with EI. [361]

The Council also raise concerns in relation to the specific impact the proposals would have on the regeneration of the Toxteth and Dingle areas because of the effect on views over the Mersey and the Wirral beyond, from within the ZoO. I recognise that the views are a major attribute of the area. I am not convinced however that the physical impact of the proposed tower and flanking buildings would be so serious as to threaten the regeneration of these areas. On the contrary by raising the image of the wider area I consider that the reverse would be more likely to be the case. Whilst the new buildings would intrude into certain views, overall they would provide an interesting and exciting focus. [385]

The Council and their supporters are probably correct in saying that the waterside area which has already seen considerable investment will continue to be regenerated come-what-may. However, the opportunity to provide a landmark building of the quality and nature proposed may not be repeated and a new standard in design excellence would be provided in an area where mediocrity has prevailed. [394]

I recommend that the appeal in relation to scheme A be dismissed and that the appeal in relation to scheme B be allowed subject to the conditions in Appendix B. [412]

THE SOS SAID :

The Secretary of State is not persuaded that the site is somewhere that merits marking with a tall building. She is not persuaded that it is of significance in terms of the topography and morphology of the city (IR 321). The Secretary of State sees force in the Council's argument that the site is not of importance to the cityscape of Liverpool and takes into account that it was acknowledged by one of the appellant's witnesses as being "not prominent" (IR189). She also notes that any support for the location from English Heritage was expressed to represent a preliminary view. [11]

The impact of the proposals on some views from the Wirral and upon heritage assets weigh against the proposals [12]. She shares the concerns expressed by Wirral Borough Council regarding the impact on views from Rock Park Conservation Area. She notes that the tower would be seen immediately to the left of the Anglican Cathedral and if the observation position was changed it would obscure the Cathedral along a short stretch of the waterside (IR 330).

She also notes that the Roman Catholic Cathedral would move in and out of view as the observation point was changed (IR 330). She further notes that the tower would appear considerably taller than the Cathedral (IR 331). For these reasons she considers that there would be a detrimental impact on these heritage assets and therefore disagrees with the Inspector that the tower would not detract from the overall scene. [12]

Whilst she accepts that in some of these views the proposal would be seen as part of a busy and varied city scene, the proposal would be much taller than any other building in the city, so the Secretary of State considers that its impact would be significant. She considers that the setting of the World Heritage Site would be harmed by the proposal (for example, from views A2, A3 and A4), and that there would be a detrimental impact on views from Albert Dock (for example, view A9), as the tower would be a modern distraction from an area of strong continuity. [13]

She does not consider that the proposed buildings are appropriate for this location because of their visual impact on the skyline and waterfront of Liverpool, and their effect on views from and to sensitive locations including heritage assets. She considers that by virtue of their size and prominence, they may harm the qualities of the Liverpool waterfront that people value, particularly given their impact on the World Heritage Site, conservation areas and listed buildings. The Secretary of State is mindful of the fact that the World Heritage Site has been designated for its outstanding universal value, and she places great weight on the need to protect it for the benefit of future generations as well as our own. [14]

She also agrees that considering the overall supply of employment land and sites in the City, the loss of a site that would represent less than 1% of the overall supply would not have a material impact. She further agrees that the proposals would be contrary to the letter of criterion [i] of policy EI and considers that, because of that, neither proposal complies with policy EI. However, she notes that the Council themselves have not regarded the policy as representing a total embargo on non employment uses in Primarily Industrial Areas and therefore gives limited weight to the breach of policy EI. Finally, in relation to employment considerations, she agrees that scheme B would be preferable in view of the additional number of jobs that would be created. [16]